

### REMARKS

Claims 1-13 are pending.

#### Claim Rejections 35 USC 102(e)

Claims 1-3, 8-9 and 11-12 are rejected as anticipated by U.S. Patent No. 6,459,387 issued to Kobayashi et al. ("the Kobayashi patent").

Applicants submit that the cited claims are not anticipated by the Kobayashi patent for at least the following reasons.

Claim 1 recites:

1. (Previously Amended) A vehicle headlamp apparatus comprising:  
map information acquiring means for acquiring positional information on a vehicle on a map and the environmental information;  
environmental condition detection means for detecting an environmental condition relating to a traveling road on which the vehicle is driven according image information or the information acquired from a radar; and  
light distribution control means for varying the light distribution of a headlamp attached to a vehicle in accordance with variation with the travel condition of the vehicle and the environmental condition,  
**wherein said light distribution control means performs light distribution control over the headlamp according to one of information adopted with the priority given thereto out of the information derived from said map information acquiring means and the information detected by said environmental condition detection means or according to information complemented with both kinds of information above.**(Emphasis added)

The Kobayashi patent does not disclose, teach or suggest at least the above bolded features. It is respectfully pointed out that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). There is no disclosure, teaching, or suggestion in the cited reference of an "environmental condition detection means." Rather, the Kobayashi patent

discloses a **travel** environment detecting means 2 (FIG. 1) that includes “means for acquiring information indicative of **travel** information with respect to **travel path** of a vehicle.” (See column 3, lines 31-34) In contrast, claim 1 recites “an environmental **condition** detection means for detecting an environmental **condition** relating to a **traveling road**.” In addition, the Kobayashi patent makes it clear that travel environment refers to travel region which is based on link number of nodes of a vehicle traveling path. (See Abstract) In other words, the Kobayashi patent discloses a means for detecting travel path or region and **not** the condition of a road as recited in claim 1 of the present invention. Thus, at least for this reason, claim 1 is not anticipated by the Kobayashi patent.

Moreover, in the Kobayashi patent, travel environment information is acquired from image means 2b so as to determine a travel region. In contrast, in the claimed invention, an environmental condition is acquired to determine the condition of the traveling road, so that light distribution control is performed in response to the condition of the traveling road. Furthermore, in the Kobayashi patent, lighting control is performed in response to information relating to travel region based on where the vehicle is currently traveling. Therefore, it is not necessary to detect specific information relating to the traveling road (e.g., suburb-road, city-road, highway, winding road).

Moreover, even assuming that the travel environmental detecting means 2 of the Kobayashi patent is construed to be equivalent to the environmental condition detection means of the present application, the Kobayashi patent fails to teach the claimed invention for at least the following reasons. Claim 1 of the present invention recites that the “light distribution control means performs light distribution control over the headlamp according to one of information adopted with the **priority** given thereto out of the information derived from said map information acquiring means and the information detected by said environmental condition detection means.” The Kobayashi patent discloses “a lighting control means (4) for lighting control of a vehicle lighting member (6) in response to a judgment signal derived from the travel region judging means (3)...” (See Abstract) However, the Kobayashi patent fails to disclose controlling the headlamp based on a “priority” among at least two types of information as recited in claim 1. Thus, at least for these additional reasons, claim 1 is not anticipated by the Kobayashi patent.

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Because claims 2, 3, 8, 9, 11 and 12 depend from claim 1, claims 2, 3, 8, 9, 11 and 12 also should be allowed for at least the same reasons as claim 1.

Claim Rejections 35 USC 103(a)

Claims 4 and 13 are rejected as unpatentable over the Kobayashi patent.

Claims 5-7 are rejected as unpatentable over the Kobayashi patent in view of U.S. Patent No. 5,193,572 (Gotoh).

Claim 10 is rejected as unpatentable over the Kobayashi patent in view of U.S. Patent No. 5,837,994 (Stam et al.).

Upon further review of the cited references, it appears that the Kobayashi patent is not applicable as a prior art document. In particular, applicants respectfully point out that the Kobayashi patent cannot be asserted against the current application with respect to 35 USC 103(a) because: (1) the Kobayashi patent is a 102(e) reference; and (2) the patent and current application are both assigned to the Koito Manufacturing Co., Ltd. Thus, under 35 USC 103(c), the Kobayashi patent cannot be asserted against the current application under 35 USC 103(a).

Accordingly, claim 4-7, 10 and 13 should be allowable.